

Remarks

Claims 1, 4, 8, 11, 14, 18, 20 and 23 are amended herein. Claims 1-24 remain pending in the Application.

Examiner Interview

On June 24, 2005 Agent for Applicant, Joel D. Youngs and Examiner Larose conducted a telephone conference. During the telephone conference Mr. Youngs and Examiner Larose discussed the above-referenced Application and the 102(b) rejection.

During the conference, the differences between the cited art Nakai et al. (5,539,523) and the features of the Claims of the present Application were discussed. Specifically, the differences between the environment in which the digital image is captured, the problems with the original image, and the tone mapping function differences of the present claimed invention and Nakai et al. Applicant wishes to thank Examiner Larose for taking the time for the telephone conference.

Rejection under 102(b)

Claims 1-4, 6, 8-9, 11-14, 16-20 and 23-24

In the Office Action, the Examiner rejected Claims 1-4, 6, 8-9, 11-14, 16-20 and 23-24 under 35 USC 102(b) as being anticipated by Nakai et al. (5539523). Applicant has reviewed Nakai et al. and respectfully states that Nakai et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that currently amended Claims 1, 11 and 18 include the feature "an original digital image captured during a picture capture stage by a digital camera". One application of the present features includes digital photos produced by amateur users, the digital photos suffering from poor

image quality such as under exposure, over exposure, poor lighting conditions, bad focus, or the like as described in the Specification in Paragraphs 04-06.

Applicant respectfully disagrees that Nakai et al. anticipates the features of Claims 1, 11 and 18. Applicant does not understand Nakai et al. to anticipate or teach an original digital image captured during a picture capture stage by a digital camera. Therefore, Applicant respectfully submits that Nakai et al. does not anticipate the present claimed invention as recited in Claims 1, 11 and 18.

In addition, Applicant respectfully states that currently amended Claims 1, 11 and 18 include the features “utilizing said analysis of said faces located in step a) and using said analysis of said image as a whole to determine a tone mapping function for enhancing the image quality of said original digital image, said tone mapping function utilizing optimal ranges, instead of optimal values, combined in a system energy formulation”. Support for the Claimed feature can be throughout the Figures and Specification including paragraphs [0050] and [0051].

Applicant respectfully states that Nakai et al. does not anticipate the features of Claims 1, 11 and 18. That is, Applicant does not understand Nakai et al. to anticipate or teach a tone mapping function utilizing optimal ranges, instead of optimal values. Moreover, Applicant does not understand Nakai et al. to anticipate or teach a system energy formulation. Therefore, Applicant respectfully submits that Nakai et al. again does not anticipate the present claimed invention as recited in Claims 1, 11 and 18.

Furthermore, Applicant respectfully states that currently amended Claims 1, 11 and 18 include the feature “a mapped deviation of the human face region of the enhanced digital image is greater than the deviation of the human face region

of the original digital image". Support for the Claimed feature can be throughout the Figures and Specification including paragraphs [0050] and [0070].

Applicant respectfully states that Nakai et al. does not anticipate the features of Claims 1, 11 and 18. That is, Applicant does not understand Nakai et al. to anticipate or teach a mapped deviation of the human face region of the enhanced digital image is greater than the deviation of the human face region of the original digital image. Therefore, Applicant respectfully submits that Nakai et al. again does not anticipate the present claimed invention as recited in Claims 1, 11 and 18.

Thus, Applicant respectfully submits that Nakai et al. does not anticipate the present claimed invention as recited in Claims 1, 11 and 18, and as such, Claims 1, 11 and 18 are in condition for allowance. Accordingly, Applicant also respectfully submits that Nakai et al. does not anticipate the present claimed invention as recited in Claims 2-10 which are dependent on an allowable Independent Claim 1, Claims 12-17 which are dependent on an allowable Independent Claim 11 and Claims 19-24 which are dependent on an allowable Independent Claim 18, and that Claims 2-10, 12-17 and 19-24 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-10, 12-17 and 19-24 are allowable as pending from allowable base Claims.

Rejection under 103(a)

Claims 5, 10, 15 and 21

In the Office Action, the Examiner rejected Claims 5, 10, 15 and 21 under 35 USC 103(a) as being unpatentable over Nakai et al. in view of Sakatani et al. (6587225). Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Nakai et al. in view of Sakatani et al. for the following rationale.

With respect to Claims 5 and 10, Applicant respectfully points out that Claims 5 and 10 depend from the allowable Claim 1 and recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 5 and 10 are allowable as pending from an allowable base Claim.

With respect to Claim 15, Applicant respectfully points out that Claim 15 depends from the allowable Claim 11 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 15 is allowable as pending from an allowable base Claim.

With respect to Claim 21, Applicant respectfully points out that Claim 21 depends from the allowable Claim 18 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 21 is allowable as pending from an allowable base Claim.

Claims 7 and 17

In the Office Action, the Examiner rejected Claims 7 and 17 under 35 USC 103(a) as being unpatentable over Nakai et al. in view of Sonka et al. ("Image Processing, Analysis And Machine Vision, 2nd Edition) and further in view of Materka et al. ("Texture Analysis Methods-A Review" University Of Lodz Technical Report 1998). Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Nakai et al. in view of Sonka et al. and further in view of Materka et al. for the following rationale.

With respect to Claim 7, Applicant respectfully points out that Claim 7 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 7 is allowable as pending from an allowable base Claim.

With respect to Claim 17, Applicant respectfully points out that Claim 17 depends from the allowable Claim 11 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 17 is allowable as pending from an allowable base Claim.

Claim 22

In the Office Action, the Examiner rejected Claim 22 under 35 USC 103(a) as being unpatentable over Nakai et al. in view of Sakatani et al. in further view of Sonka et al. and Materka et al. Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Nakai et al. in view of Sakatani et al. in further view of Sonka et al. and Materka et al for the following rationale.

With respect to Claim 22, Applicant respectfully points out that Claim 22 depends from the allowable Claim 18 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 22 is allowable as pending from an allowable base Claim.

Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-24.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,
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Date: 6/30/05



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